



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,810	01/08/2004	Donald Quiroz	54317-020301	1568

46560 7590 04/22/2005

THE WALT DISNEY COMPANY  
C/O GREENBERG TRAURIG LLP  
2450 COLORADO AVENUE SUITE 400E  
SANTA MONICA, CA 90404

EXAMINER
----------

FULLER, RODNEY EVAN

ART UNIT	PAPER NUMBER
----------	--------------

2851

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/754,810

Applicant(s)

QUIROZ, DONALD

Examiner

Rodney E. Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 64-68 is/are pending in the application.
- 4a) Of the above claim(s) 66 and 68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 64, 65 and 67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**RODNEY FULLER**  
**PRIMARY EXAMINER**

*R. S. Fuller*

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/08/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 64, 65 and 67 (Group I) in the reply filed on January 25, 2005 is acknowledged. The traversal is on the ground(s) that "a search of these claims would require a search of subject matter of the claims, and this election is not appropriate." Further, the applicant argues that "for the examiner to effectively examine this case a search will have to be done in all relevant subclasses," and that "this would likely cover subject matter in the non-elected claims which are in the same class, and related subclass." This is not found persuasive because Group I (claims 64, 65 and 67) and Group II (claims 66 and 68) claim different and unrelated inventions. Group I is related to a "film gate" and group II is related to a "film tensioning assembly." 37 CFR 1.141 states that two or more independent and distinct inventions may not be claimed in one national application

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 66 and 68 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 25, 2005.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of the following:

- a. The abstract exceeds the 150-words limit.
- b. The abstract is related to both a "film trap" and a "gate assembly".

However, the elected claims are directed only to a "film gate assembly."

Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

3. Claim 65 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 65 recites the limitation "The device of claim 64." It is unclear what "device of claim 64" the applicant is referring. The "device" could be either the overall film gate assembly, the gate body, the first rail assembly, the second rail assembly or roller.

Further, claim 65 is incomplete for omitting essential structural cooperative relationships of elements. See MPEP § 2172.01. Claim 65 fails to interrelate the "set device comprising a screw" to any other structure.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 64 and 65 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (US 6,137,530).

Regarding claim 64, Brown discloses "a gate body having an image aperture (Fig. 5, ref.# 28) formed therein and having a first (Fig. 5, ref.# 141, 151) and second rail assembly (Fig. 5, ref.# 142, 151) attached thereto; said first rail assembly comprising a first gate rail (Fig. 5, ref.# 151) in communication with a first gate guide (Fig. 5, ref.# 141); said second rail assembly comprising a second gate rail (Fig. 5, ref.# 151) in

Art Unit: 2851

communication with a second gate guide (Fig. 5, ref.# 142); and a roller (Fig. 5, ref.# 75) having a non-abrasive surface (column 9, lines 61-62), the roller being located at an exit (column 10, lines 9-15) for film from the film gate assembly."

Regarding claim 65, Brown discloses "a set device comprising a screw." (Fig. 9, ref.# 205; column 14, line 51)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 6,137,530) in view of Jones (US 5,461,492).

Brown discloses all the structure set forth in the claims except wherein the roller has a urethane surface. However, the use of a urethane roller to guide a filmstrip is routine in the art as is evident from the teaching of Jones. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brown by wherein the roller has a urethane surface. The ordinary artisan would have been motivated to modify Brown in the manner described above to keep the film strip clean by removing dust and fiber particles (See Jones, column 12, lines 16-21).

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller  
Primary Examiner  
Art Unit 2851

A handwritten signature in black ink, appearing to read 'R. E. Fuller', is written over the printed name and title.

April 15, 2005